

the remote application.” The claim also requires “dynamically detecting availability of the data source in response to a subsequent request for the data source.” The Examiner appears to agree that Polizzi does not disclose these limitations and cites Kirby to satisfy these deficiencies in Polizzi. Applicant respectfully submits, however, that neither Polizzi nor Kirby, alone or in combination, teach or suggest either of these features, and hence, do not render the claims unpatentable.

Regarding the limitation of “detecting unavailability of the data source in response to an initial request for the data source by the remote application,” the Office Action, at page 2, acknowledges that Kirby does not teach this limitation in Polizzi. The Office Action states, “Kirby discloses a detection mechanism as claimed; the only difference being that Kirby detects the unavailability of the data source in a proactive manner whereas Applicant’s limitations do so in response to a request.” Accordingly, even if Polizzi is modified to include the detection mechanism of Kirby, the resulting combination would not meet all the limitations of the claim since the combination would not detect the “unavailability of the data source in response to an initial request for the data source by the remote application.” Accordingly, it is respectfully submitted that the Office Action does not establish a prima facie case of obviousness. As such, the Examiner is respectfully requested to withdraw the rejection.

With respect to the claim limitation of “dynamically detecting availability of the data source in response to a subsequent request for the data source,” the Examiner takes the position that *Polizzi* discloses many of the features recited in claim 1, but admits that *Polizzi* fails to teach or suggest “a capability of reconnecting when [a] data source, e.g., [a] resource [becomes]

available.” The Examiner attempts to cure this deficiency by relying on portions of *Kirby* (col.

3, lines 33-58) for teaching “a technique or concept of resource availability detection.”

However, Applicant respectfully submits that even if *Kirby* teaches “a technique or concept of resource availability detection” as asserted in the Office Action, *Kirby* fails to teach or suggest “dynamically detecting availability of the data source in response to a subsequent request for the data source” as recited in claim 1. Rather, *Kirby* is directed to a mobile computer system that uses a docking station to connect and disconnect from a network. See *Kirby* at col. 3, lines 41-43. *Kirby* uses an event coordinator 202 for detecting when the computer is separated from the docking station. The event coordinator 202 notifies the applications that the computer system is undocked. See col. 5, lines 51-59 and col. 6, line 51-col. 7, line 14. However, *Kirby* does not teach or suggest either detecting whether or not a data source is available in response to a request for the data source. Rather, *Kirby* merely describes sensing whether the mobile computer is docked or undocked from the docking station. See col. 6, lines 8-61. In particular, *Kirby* describes sensing a dock/undocked event by using a specific configuration of pins on a connector of the docking station. See *Kirby* col. 6, lines 51-61. *Kirby* neither teaches nor suggests sensing whether the mobile station is docked based on a request for a data source by a remote application. Accordingly, even if *Polizzi* was modified to include *Kirby*’s detecting of whether a computer is in the docked or undocked state with a docking station, the combination would not meet all the limitations of claim 1. The Office Action, at pages 2-3, mentions a web browser but gives no indication of how a request from a web browser relates to *Kirby*’s sensing

of whether a mobile computer is docked or undocked. Accordingly, the Office Action fails to establish a *prima facie* case of obviousness for this reason as well.

Further, the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. MPEP § 2143.01 *citing In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). Here, even if Kirby is deemed to teach the limitations missing from *Polizzi*, which it does not, *Polizzi* or *Kirby*, alone or in combination, do not teach or suggest making the asserted combination. The Office Action does not identify any motivation for modifying *Polizzi*. Rather, the Office Action merely states that it allegedly would have been obvious to combine the teachings of the references such that a detection of the availability of a data source would occur in response to a request “as such a functionality is well known in the art.” See page 4 of the Office Action. The Examiner makes reference to improved network efficiency at page 4 of the Office Action, but portions of *Polizzi* relied upon in the Office Action relate to the portal system 120, not the workstations 100 which are more like the mobile computer in Kirby that is docked and undocked. Accordingly, it is respectfully submitted that the Office Action identifies no plausible motivation to combine the reference and therefore for this additional reason does not state a *prima facie* case of obviousness.

For at least these reasons it is respectfully submitted that claim 1, and the claims that depend therefrom, are not unpatentable.

Independent claims 8 and 15 recite similar limitations to those discussed above that are missing from the prior art. Accordingly, claims 8 and 15, and the claims that depend therefrom,

RESPONSE UNDER 37 C.F.R. § 1.116

U.S. Application No. 09/750,475

Attorney Docket No. A8644

Art Group: 2152

are patentable for at least the same reasons discussed above. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection.

Claims 20-22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Polizzi* and *Kirby* in view of *Brendel*. Claims 20-22 depend from claims 1, 8 and 15, respectively, and are patentable for at least the same reasons since the portions of *Brendel* relied on in the Office Action do not overcome the deficiencies of *Polizzi* and *Kirby*.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

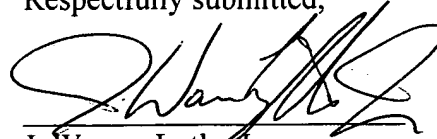
SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Respectfully submitted,



J. Warren Lytle, Jr.

Registration No. 39,283

Date: June 5, 2006